

## Absent—Excused.

Bradley.	Dunlap.
Brooks.	Mehl.
Coombes.	Moore.
Cunningham.	Vaughan.

Mr. Petsch offered the following amendment to the bill:

Amend House bill No. 25, page 1, Section 1, by inserting after the word "conditions," in line 19, the following: "as hereinafter defined."

The amendment was adopted.

Signed—Fred H. Minor, Chairman of the Committee of the Whole House.

## RECESS.

On motion of Mr. Satterwhite, the House, at 5:15 o'clock p. m., took recess to 9 o'clock a. m. tomorrow.

## APPENDIX.

## STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills as follows:

Conservation and Reclamation: S. B. No. 20.

Game and Fisheries: H. B. Nos. 32, 33, and 37.

The Committee on State Affairs filed an adverse report with a minority favorable report on H. C. R. No. 6.

## ELEVENTH DAY.

(Continued.)

(Tuesday, August 4, 1931.)

The House met at 9 o'clock a. m., and was called to order by Speaker Minor.

## HOUSE BILL NO. 8 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 8, A bill to be entitled "An Act to conserve water supplies and prevent soil contamination; prescribing a penalty, and declaring an emergency."

The bill was read third time.

Mr. Davis moved the previous question on the passage of the bill, and the main question was ordered.

House bill No. 8 then failed to pass by the following vote:

## Yeas—49.

Bounds.	Leonard.
Brooks.	Lilley.
Carpenter.	Lockhart.
Caven.	McCombs.
Coltrin.	McDougald.
Cox of Limestone.	McGill.
Dodd.	Mehl.
Duvall.	Moffett.
Forbes.	Morse.
Gilbert.	Munson.
Giles.	Nicholson.
Harrison	Olsen.
of Waller.	Petsch.
Hatchitt.	Ratliff.
Herzik.	Ray.
Hill.	Reader.
Hines.	Richardson.
Holder.	Rountree.
Holland.	Savage.
Howsley.	Sullivant.
Hughes.	Terrell
Jackson.	of Val Verde.
Johnson	Wagstaff.
of Dimmit.	Warwick.
Keller.	Weinert.
Lemens.	West of Cameron.

## Nays—62.

Adams of Jasper.	Hefley.
Adamson.	Holloway.
Adkins.	Hoskins.
Akin.	Hubbard.
Albritton.	Johnson of Morris.
Alsup.	Jones of Shelby.
Anderson.	Jones of Atascosa.
Bedford.	Justiss.
Boyd.	Kayton.
Brice.	Kennedy.
Bryant.	Laird.
Burns of Walker.	Lasseter.
Burns	Long.
of McCulloch.	McGregor.
Claunch.	Metcalfe.
Cox of Lamar.	Murphy.
Daniel.	Rogers.
Davis.	Satterwhite.
DeWolfe.	Sherrill.
Donnell.	Smith of Wood.
Elliott.	Sparkman.
Farmer.	Stephens.
Farrar.	Strong.
Ferguson.	Terrell
Finn.	of Cherokee.
Fisher.	Towery.
Goodman.	Turner.
Graves.	Van Zandt.
Hanson.	Veatch.
Hardy.	Walker.
Harman.	West of Coryell.
Harrison	Wyatt.
of El Paso.	

## Present—Not Voting.

Wiggs.

## Absent.

Adams of Harris.	Magee.
Baker.	Martin.
Barron.	Mathis.
Beck.	O'Quinn.
Bond.	Pope.
Dale.	Ramsey.
Dowell.	Sanders.
Dwyer.	Scott.
Englehard.	Shelton.
Ford.	Smith of Bastrop.
Fuchs.	Stevenson.
Greathouse.	Steward.
Grogan.	Tarwater.
Johnson	Westbrook.
of Dallam.	Young.
Lee.	

## Absent—Excused.

Bradley.	Moore.
Coombes.	Patterson.
Cunningham.	Vaughan.
Dunlap.	

## Paired.

Mr. Ford (present), who would vote "yea," with Mr. Vaughan (absent), who would vote "nay."

Mr. Kennedy moved to reconsider the vote by which the bill failed to pass, and to table the motion to reconsider.

The motion to table prevailed.

## INVITING JOHNNIE PEARSON TO VISIT THE HOUSE.

Mr. Alsup (by unanimous consent) offered the following resolution:

Whereas, Little Johnnie Pearson, Victoria blues yodler, is in the city of Austin; and

Whereas, Little Johnnie has created admiration among the radio fans for his wonderful rendition of blues numbers; and

Whereas, The said Johnnie Pearson is leaving Austin this afternoon for San Antonio; therefore, be it

Resolved by the House of Representatives, That little Johnnie Pearson be extended an invitation to appear in the House at 1:45 today and render a short program to the members of the House and its employees.

ALSUP,  
LEMENS,  
DOWELL.

The resolution was read second time.

By unanimous consent the names of all the members of the House were added to the resolution as signers thereof.

Signed—Minor, Speaker; Adams of

Harris, Adams of Jasper, Adamson, Adkins, Akin, Albritton, Baker, Barron, Beck, Bedford, Bond, Bounds, Boyd, Bradley, Brice, Brooks, Bryant, Burns of Walker, Burns of McCulloch, Carpenter, Caven, Claunch, Coltrin, Coombes, Cox of Lamar, Cox of Limestone, Cunningham, Dale, Daniel, Davis, DeWolfe, Dodd, Donnell, Dunlap, Duvall, Dwyer, Elliott, Engelhard, Farmer, Farrar, Ferguson, Finn, Fisher, Forbes, Ford, Fuchs, Gilbert, Giles, Goodman, Graves, Greathouse, Grogan, Hatchitt, Hanson, Hardy, Harman, Harrison of El Paso, Harrison of Waller, Hefley, Herzik, Hill, Hines, Holder, Holland, Holloway, Hoskins, Howsley, Hubbard, Hughes, Jackson, Jones of Shelby, Jones of Atascosa, Johnson of Dallam, Johnson of Dimmit, Johnson of Morris, Justiss, Kayton, Keller, Kennedy, Laird, Lasseter, Lee, Leonard, Lilley Lockhart, Long, McCombs, McDougald, McGill, McGregor, Magee, Martin, Mathis, Mehl, Metcalfe, Moffett, Moore, Morse, Munson, Murphy, Nicholson, Olsen, O'Quinn, Patterson, Petsch, Pope, Ramsey, Ratliff, Ray, Reader, Richardson, Rogers, Rountree, Sanders, Satterwhite, Savage, Scott, Shelton, Sherrill, Smith of Bastrop, Smith of Wood, Sparkman, Stephens, Stevenson, Steward, Strong, Sullivant, Tarwater, Terrell of Cherokee, Terrell of Val Verde, Towery, Turner, Van Zandt, Vaughan, Veatch, Wagstaff, Walker, Warwick, Weinert, West of Coryell, West of Cameron, Westbrook, Wiggs, Wyatt, Young.

The resolution was then adopted.

## IN COMMITTEE OF THE WHOLE HOUSE.

(Mr. Minor in the chair.)

On motion of Mr. Morse, the House, at 9:40 o'clock a. m., resolved itself into a Committee of the Whole House for the purpose of considering bills relative to oil and gas conservation.

## IN THE HOUSE.

(Mr. Minor in the chair.)

At 5 o'clock p. m., Mr. Minor, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress and ask leave of the House to sit again at 9 o'clock a. m. tomorrow.

The Chairman of the Committee of

the Whole House also reported the following proceedings of the Committee:

The Chair laid House bill No. 25 before the Committee, for consideration by the Committee:

Mr. Metcalfe offered the following amendment to the bill:

Amend House bill No. 25 by adding after Section 18 a new section, to read as follows:

"Sec. 18a. This act shall be in force and effect until Septetmber 1, 1933, at which time it shall automatically become of no further force and effect."

METCALFE,  
PETSCH,  
HARDY.

The amendment was lost.

Mr. Johnson of Morris offered the following amendment to the bill:

Amend House bill No. 25, page 5, line 2, by adding before the word "after" the following: "provided, that nothing in this act shall be construed as granting to the Commission any power or authority to restrict, or in any manner limit, the drilling of wells for the purpose of exploring for oil and/or gas in territory not known to produce either oil or gas."

JOHNSON of Morris,  
WAGSTAFF,  
KENNEDY.

The amendment was adopted.

Mr. Long offered the following amendment to the bill:

Amend House bill No. 25 by adding a new section to be numbered Section 19, and renumbering the sections accordingly:

"Section 19. This act shall not amend, repeal, change, alter, or affect in any manner the anti-trust laws of this State."

The amendment was adopted.

Mr. Long offered the following amendment to the bill:

Amend House bill No. 25 by adding at the end of Section 12 the following sentence: "Proof of the issuance of the order, rule, etc., and of its violation shall establish prima facie plaintiff's right to damages, the amount thereof to be established by competent proof."

The amendment was adopted.

Mr. Terrell of Cherokee offered the following amendment to the bill:

Amend House bill No. 25 by adding the following at the end of Section 5:

"The commission shall ascertain the approximate amount of gasoline to be produced from one barrel of crude oil and promulgate such orders, rules or regulations as will establish a proper ratio of prices between the price of crude oil and the price of gasoline, and such orders, rules or regulations shall be binding upon all purchasers of crude oil, refiners and manufacturers of gasoline, until held void by a court of competent jurisdiction."

On motion of Mr. Wagstaff, the amendment was tabled.

Mr. Hardy offered the following amendment to the bill:

Amend House bill No. 25, Section 2, page 2, line 2, beginning with subsection (c), by eliminating all of said subsection (c).

(Pending consideration of the bill, Mr. Long occupied the chair temporarily.)

(Speaker in the chair.)

Question recurring on the amendment by Mr. Hardy, it was lost.

Mr. Walker offered the following amendment to the bill:

Amend House bill No. 25 by inserting the following sections immediately after Section 5:

"Section 5a. That whenever the full production from any common source of supply of crude petroleum in this State can only be obtained under conditions constituting waste as herein defined, then any operator, having the right to drill into and produce oil from any such common source of supply, may take therefrom only such proportion of all crude oil that may be produced therefrom without waste, as the potential production of the well or wells of any such operator bears to the total potential production of such common source of supply, having due regard to the acreage drained by each well. Any purchaser of crude petroleum from any such common source of supply covered by this section shall be bound by the provisions hereof; and, where ratable taking shall be imposed under the conditions of this section, the production of crude petroleum owned or controlled either directly or indirectly by any such purchaser, shall be subject to the order for ratable taking, in the same manner and to the same extent as the production of any operator owning

producing properties in said common source of supply. The commission is hereby authorized to so regulate the taking of crude petroleum from any or all of the common sources of supply of this State as to prevent the inequitable or unfair taking from a common source of supply by any person, firm, or corporation, and to prevent unreasonable discrimination in favor of any one such common source of supply as against another.

"Section 5b. No producer or purchaser who operates a pipe line, or who transports oil through a common carrier pipe line or by railroad tank cars in this State, nor a common carrier pipe line which does not purchase oil but who transports oil for hire, shall purchase, take or transport a greater percentage of oil from his or its own lease or from the seller or shipper from any lease than the available market offered the lessor or lessee on any other lease in the same pool; acreage and potential (or allowable in case of proration) are to be considered in arriving at the respective percentage of oil taken and oil for which there is an available market.

"Section 5c. Any oil operator in this State who is not producing and selling his percentage allowed under orders of the Railroad Commission, and who has no market for said allowable production, may extend a pipe line from his lease or producing tract of land to the pipe line of any purchaser or common carrier of oil operating in this State and said purchaser or common carrier of oil shall permit said connecting line so constructed to be tied into the pipe line or common carrier of oil of any said purchaser, and in the event the said purchaser or common carrier is unable or unwilling to equalize the outlet for such operator by purchasing from said producer, who so constructed said tying line, an amount of oil sufficient to bring the sold percentage of the allowable of said producer up to the point where said sold percentage of the allowable of said producer equals the sold percentage of the allowable of any other producer whose oil, or oil produced by such other producer though sold to another, is transported by said common carrier pipe line, then in that event said common carrier or purchaser shall reduce the amount of oil purchased, taken and/or trans-

ported by it so that the percentage of the allowable of any producer's production carried or transported by it shall not exceed the percentage of the allowable of said producer constructing said tying line for which said tying producer has a market."

(Mr. Young in the chair.)

Mr. Walker offered the following amendment to the amendment:

Amend the amendment by striking out the following clause in last sentence in Section 5a, to-wit: "and to prevent unreasonable discrimination in favor of any one such common source of supply as against another."

Mr. Beck moved to table the amendment to the amendment, and the motion to table was lost.

Question next recurring on the amendment, it was adopted.

(Speaker in the chair.)

Mr. Hardy offered the following substitute for the amendment by Mr. Walker:

"Sec. 5a. No producer or purchaser who operates a pipe line, or who transports oil through common carrier pipe line or by railroad tank cars in this State, nor a common carrier pipe line which does not purchase oil, but who transports oil for hire, shall purchase, take or transport a greater percentage of oil from his or its own lease or from the seller or shipper from any lease than from the seller or shipper from any other lease in the same pool.

"Any purchaser of crude petroleum from any pool or other common source of supply shall be bound by the provisions hereof; and under the conditions of this section a production of crude petroleum owned or controlled, either directly or indirectly, by any such purchaser shall be subject to the above provision for ratable taking in the same manner and to the same extent as production of any operator owning producing properties in said pool of common source of supply. The Commission is hereby authorized to so regulate the taking of crude petroleum from any and all pools or common source of supply in this State as to prevent the inequitable or unfair taking from a pool or common source of supply by any person, firm or corporation and to prevent unreasonable discrimination in favor of any one pool or common source of supply as against another.

"Sec. 5b. Whenever any producer or purchaser of oil who operates a pipe line or who purchases or transports oil through a common carrier pipe line or a common carrier pipe line who does not purchase oil, but who transports oil for hire, shall violate any rule, regulation, order or judgment promulgated by the Railroad Commission, or who shall suffer any property owned or controlled by it to be used in violation of any such rule, regulation, order or judgment has been held by a trial court to be valid in whole or in part; or who shall violate any provision of this act or any provision of Chapter 102 of the Civil Statutes of this State, such person, firm or corporation shall be subject to the penalties as hereinabove set out. Each day that said person, firm or corporation shall violate said provisions, rules, regulations or orders shall be and constitute a separate offense. And if said producer or purchaser as hereinabove set out shall be a corporation incorporated in the State of Texas, its charter and franchise to do business in this State shall be subject to forfeiture, and if a foreign corporation doing business in this State by virtue of a permit its permit shall be subject to a forfeiture. In the event of such a violation by such corporation it shall be the duty of the Attorney General of this State to instigate suit for the forfeiture of the charter or permit, as the case may be, of such violator and for the appointment of a receiver to operate and control the assets of such corporation doing the liquidation thereof.

"Sec. 5c. Any person, firm or corporation who shall suffer loss or injury in any manner by reason of the violation of any person, firm or corporation of any valid order, rule and regulation of the Railroad Commission of Texas entered in pursuance of this act or to Title 102 of the Revised Civil Statutes of Texas for 1925; or by reason of violation of any of the provisions of this act, may sue, therefor, in any court of this State having jurisdiction thereof, said suit to be filed where the loss or injury thereof was sustained or where the violation or any part thereof occurred, and said person, firm or corporation so damaged or injured shall recover the damages by him sustained and costs of suit, including a reasonable attorney's fees."

Mr. Wagstaff moved to table the substitute amendment by Mr. Hardy.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

#### Yeas—63.

Adams of Harris.	Jones of Shelby.
Adams of Jasper.	Justiss.
Adamson.	Kayton.
Adkins.	Keller.
Albritton.	Lee.
Beck.	Lilley.
Bounds.	Long.
Boyd.	McDougald.
Burns of Walker.	McGill.
Burns	Mathis.
of McCulloch.	Moffett.
Claunch.	Morse.
Daniel.	Munson.
DeWolfe.	Murphy.
Dodd.	Nicholson.
Dowell.	Petsch.
Dwyer.	Ratliff.
Ford.	Ray.
Gilbert.	Rountree.
Graves.	Sanders.
Greathouse.	Savage.
Harrison	Scott.
of El Paso.	Sherrill.
Hatchitt.	Steward.
Herzik.	Strong.
Hill.	Tarwater.
Howsley.	Wagstaff.
Hubbard.	Walker.
Hughes.	Warwick.
Jackson.	Weinert.
Johnson	West of Coryell.
of Dimmit.	West of Cameron.
Johnson of Morris.	Young.

#### Nays—42.

Akin.	Harman.
Alsup.	Harrison
Baker.	of Waller.
Barron.	Hefley.
Brice.	Hoskins.
Brooks.	Kennedy.
Bryant.	Lasseter.
Carpenter.	McGregor.
Caven.	Magee.
Coltrin.	Richardson.
Cox of Lamar.	Satterwhite.
Cox of Limestone.	Smith of Wood.
Davis.	Sparkman.
Elliott.	Stephens.
Farmer.	Sullivan.
Farrar.	Terrell
Ferguson.	of Cherokee.
Fisher.	Towery.
Forbes.	Turner.
Fuchs.	Van Zandt.
Hanson.	Veatch.
Hardy.	Wiggs.

## Absent.

Anderson.	Leonard.
Bedford.	Lockhart.
Bond.	McCombs.
Dale.	Martin.
Donnell.	Mehl.
Duvall.	Metcalf.
Engelhard.	Olsen.
Finn.	O'Quinn.
Giles.	Pope.
Goodman.	Ramsey.
Grogan.	Reader.
Hines.	Rogers.
Holder.	Shelton.
Holland.	Smith of Bastrop.
Holloway.	Stevenson.
Johnson	Terrell
of Dallam.	of Val Verde.
Jones of Atascosa.	Westbrook.
Laird.	Wyatt.
Lemens.	

## Absent—Excused.

Bradley.	Moore.
Coombes.	Patterson.
Cunningham.	Vaughan.
Dunlap.	

Question then recurring on the amendment by Mr. Walker, it was adopted by the following vote:

## Yeas—81.

Adams of Jasper.	Harrison
Adamson.	of Waller.
Adkins.	Hatchitt.
Akin.	Hefley.
Albritton.	Herzik.
Alsup.	Hill.
Beck.	Holloway.
Boyd.	Howsley.
Brice.	Hubbard.
Burns of Walker.	Hughes.
Burns	Jackson.
of McCulloch.	Johnson
Carpenter.	of Dimmit.
Caven.	Johnson of Morris.
Claunch.	Jones of Shelby.
Cox of Limestone.	Justiss.
Daniel.	Kayton.
Davis.	Keller.
DeWolfe.	Kennedy.
Dodd.	Lee.
Dowell.	Lilley.
Elliott.	Long.
Ferguson.	McDougald.
Forbes.	Mathis.
Ford.	Moffett.
Fuchs.	Morse.
Gilbert.	Munson.
Greathouse.	Murphy.
Hanson.	Nicholson.
Hardy.	Petsch.
Harman.	Ratliff.
Harrison	Ray.
of El Paso.	Richardson.

Sanders.	Towery.
Satterwhite.	Van Zandt.
Savage.	Veatch.
Sherrill.	Wagstaff.
Smith of Bastrop.	Walker.
Smith of Wood.	Warwick.
Sparkman.	Weinert.
Steward.	West of Coryell.
Strong.	Young.
Sullivant.	

## Nays—19.

Baker.	Lasseter.
Bounds.	McCombs.
Brooks.	McGill.
Bryant.	McGregor.
Coltrin.	Magee.
Cox of Lamar.	Scott.
Farmer.	Terrell
Farrar.	of Cherokee.
Fisher.	Turner.
Hoskins.	West of Cameron.

## Present—Not Voting.

Wiggs.

## Absent.

Adams of Harris.	Lemens.
Anderson.	Leonard.
Barron.	Lockhart.
Bedford.	Martin.
Bond.	Mehl.
Dale.	Metcalf.
Donnell.	Olsen.
Duvall.	O'Quinn.
Dwyer.	Patterson.
Englehard.	Pope.
Finn.	Ramsey.
Giles.	Reader.
Goodman.	Rogers.
Graves.	Rountree.
Grogan.	Shelton.
Hines.	Stephens.
Holder.	Stevenson.
Holland.	Tarwater.
Johnson	Terrell
of Dallam.	of Val Verde.
Jones of Atascosa.	Westbrook.
Laird.	Wyatt.

## Absent—Excused.

Bradley.	Dunlap.
Coombes.	Moore.
Cunningham.	Vaughan.

Mr. Young offered the following amendment to the bill:

Amend House bill No. 25 by adding at the end of Section 5 a new section, to be known as Section 5d, and to read as follows:

"Sec. 5d. During any period that the Commission shall, by rule, regulation or order, require a reduction in or a proration of the production of any pool or area, it shall, in making

its allocations of oil to purchasers, first meet the requirements and bona fide offers to purchase with available transportation facilities, price offered being equal, of refineries located in the State before making allocations to purchasers of oil to be transported out of the State."

(At 12 o'clock m., on motion of Mr. Hardy, the Committee, by unanimous consent, agreed to stand at ease until 2 o'clock p. m. today.)

The Committee, at 2 o'clock p. m., resumed consideration of House bill No. 25, relative to the conservation of oil, with amendment by Mr. Young, pending.

Question recurring on the amendment by Mr. Young, it was adopted.

Mr. McGregor offered the following amendment to the bill:

Amend House bill No. 25 by striking out all below the enacting clause and insert the following:

"Section 1. The production of crude petroleum oil or natural gas in such manner, by such means or under such conditions as to constitute waste, as hereinafter defined, is hereby declared to be unlawful and is hereby prohibited.

"Sec. 2. The term 'waste,' as used here, shall, in addition to its ordinary meaning, include and mean (1) waste incident to or resulting from so drilling, equipping, or failing to equip, locating, spacing or operating wells so as to reduce the ultimate total recovery of crude petroleum oil or natural gas from any pool; (2) surface waste, including unnecessary or excessive surface losses or destruction of crude petroleum oil or natural gas without beneficial use; (3) underground waste, including waste incident to or resulting from any act of omission which reduces the ultimate total recovery of crude petroleum oil or natural gas from any pool; (4) waste incident to or resulting from causing or permitting crude petroleum oil or natural gas to create or produce unnecessary fire hazards; (5) waste incident to or resulting from any act or omission in violation of any lawful rule, regulation or order of the Railroad Commission of Texas, or of any order or judgment of any court of competent jurisdiction pertaining to the

conservation of crude petroleum oil or natural gas, based upon the definition of waste set out in this act; (6) permitting the escape into open air of natural gas, except as may be necessary in the drilling or operation of a well; (7) drowning with water of any stratum capable of producing oil or gas, or both oil and gas, in paying quantities; (j) underground waste; (k) any natural gas well to wastefully burn. It is especially provided that this act shall never be so construed or interpreted as it shall in any connection mean economic waste.

"The term 'party' as used in this act shall include all persons, firms, associations, corporations, trustees and receivers producing petroleum oil or natural gas.

"Sec. 3. Article 6008 of the Revised Civil Statutes of Texas of 1925 is hereby amended so as said article will hereafter read as follows, to-wit: 'Article 6008. Any party or person in possession, either as owner, lessee, agent, trustee, receiver or manager, or any person, copartnership or corporation, of any well producing natural gas only, in order to prevent said gas from wasting by escape, shall, within ten days after encountering such gas in commercial quantities, confine said gas in said well until said gas shall be utilized for light or fuel; provided, however, the Commission may permit the use of such gas for the purpose of being introduced into an oil or gas-bearing stratum in order to maintain or increase the rock pressure, or otherwise increase the ultimate recovery of oil or gas from such stratum and for any other purpose, which, under circumstances surrounding each particular case, might be found by the Commission to be practical and conducive to the public welfare. Any person violating the provisions of this article shall be liable to a penalty of one thousand dollars (\$1000) for each offense, to be recovered, with the costs of suit in a civil action in the name of the State of Texas, in the county in which the act shall be committed or omitted, and each day any such violation continues shall be a separate offense and for which the party in violation shall be held liable for the penalty herein prescribed.'

"Sec. 4. The Commission shall have power, and it shall be its duty, from time to time to inquire into the production of crude petroleum oil,

and of natural gas in order to determine whether or not waste, as hereinbefore defined, exists. The Commission shall have the right to require any party to make and file with the Commission sworn statements as to the facts within the knowledge or possession of such party pertaining to the production of crude petroleum oil or of natural gas, as often and for such periods as the Commission may specify, to be inspected or gauged and the books and records of any party to be examined.

"Sec. 5. Upon the initiative of the Commission, or upon the verified complaint of any party producing crude petroleum oil or natural gas in this State that waste of crude petroleum oil or natural gas is taking place in this State, the Commission may hold a hearing, at such time and place as it may fix, to determine whether or not waste is taking place, and what, if any, rule, regulation or order should be made, or what, if any, other action should be taken to correct, prevent or lessen such waste. Notice of such hearing shall be given by the Commission, as provided by law. At said hearing all parties interested shall be entitled to be heard and introduce evidence and to require the attendance of witnesses, and the production of evidence may be required as provided by law. If, upon the hearing, the Commission shall find that waste is taking place, the Commission shall make such rule, regulation or order as in its judgment is reasonably required to correct, lessen or prevent such waste. After such hearing and the promulgation of any rule, regulation or order, all parties within the scope of this act shall, without further notice, be bound by and shall comply with such rule, regulation or order. The Commission may, after notice and hearing, from time to time amend, change, revoke, suspend, extend or renew any such rule, regulation or order as the facts may justly and equitably require to correct, prevent or lessen waste actually taking place.

"Sec. 6. If any party having an interest in any property directly affected by any rule, regulation or order promulgated by the Commission pursuant to this act, or, if any party whose conduct is regulated, affected or modified by any such rule, regulation or order, be dissatisfied with the same, such party may file suit in a

court of competent jurisdiction in Travis county, Texas, but not elsewhere, against the Commission and all other proper parties, setting forth in his petition his grounds of objection to such rule, regulation or order and praying for such relief as such party may deem proper. Such suit shall have precedence over all other suits, causes or proceedings of a different nature on the docket of said court and shall be tried and determined as other civil suits in said court. At any time on or before return date, or after answer is filed, on the request of any party to such suit, or on the court's own initiative, and without other notice, the court shall set said suit for trial on such day as the court may fix, not later than ten (10) days thereafter, and on the date fixed such suit shall be begun unless such suit be postponed by the court for good cause shown to the court, which cause shall be certified in writing by the court and filed with the papers in the case. If the trial be so postponed, the postponement shall be for a day fixed not more than ten (10) days away, and if the suit is not then tried, its postponement, if any, shall be handled in the same manner as the first postponement, except that the date then fixed for the trial shall be not more than five (5) days away. In all trials under this section of this act, the burden of proof shall be upon the party complaining of such rule, regulation or order. In all suits or other legal proceeding under this act in which the validity of any rule, regulation or order of the Commission may be brought in question, the said rule, regulation or order of the Commission shall be deemed valid until shown to be invalid, and must be obeyed.

"Sec. 7. In any suit brought against the Commission under this section, unless and until the Commission be enjoined and bond given, as hereinafter in this section provided, the Commission shall be entitled, on motion filed in such suit, to an injunction to require complainant to obey such rule, regulation or order pendente lite, and it shall be the duty of the Commission to apply for such injunction. Such injunction shall continue in effect unless and until complainant shall obtain injunction and make bond, as hereinafter in this section provided. No temporary restraining order nor temporary in-



junction against the Commission, its officers or agents, or against the enforcement of any rule, regulation or order made by the Commission, shall ever be granted, or ordered, by any court except after reasonable notice to the Commission and a hearing at which it shall be shown to the court that the rule, regulation or order is invalid or that, if enforced against the complaining party it will cause such party irreparable damage. The nature and extent of such invalidity and damage must be established by evidence, unless apparent of record, and must be recited in the order. Before any such restraining order or temporary injunction shall take effect, the complainant must make bond with good and sufficient sureties in an amount to be fixed by the court, sufficient reasonably to indemnify all persons who may suffer damage by reason of the violation, by such complainant of the rule, regulation or order complained of. In determining the amount of such bond the judge shall take into consideration all of the facts and circumstances surrounding the parties which he may deem necessary to determine the reasonableness of the amount of such bond and any bond so executed, if made by any bonding or surety company, shall be by some company authorized to do business in Texas. Such bond shall be made payable to, and be approved by, the judge of said court and shall be for the use and benefit of, and may be sued on, by all persons who may suffer damage by reason of the violation by such complaining party of the rule, regulation or order complained of, and who may bring suit thereon before the expiration of six months after the rule, regulation or order complained of shall be finally held to be valid in whole or in part, or such suit against the Commission be finally dismissed, and such bond shall be so conditioned. From time to time on motion the court may increase or decrease the amount of such bond, and may require new or additional sureties as the facts may warrant or justify. If, on the trial of such suit, on its merits, the rule, regulation or order complained of be upheld in the trial court, in whole or in part, the judgment or decree of that court shall itself, without more, constitute an injunction restraining the complainant from violating such rule, regulation or order or so much

thereof as shall have been so held valid, and a dissolution of all temporary restraining orders or temporary injunctions theretofore granted in such suit, if any, which are inconsistent with such judgment or decree and such effects of said judgment or decree shall not be stayed by any appeal, unless a supersedeas bond be filed, payable and conditioned as the injunction bond heretofore described in this section, until on appeal such judgment or decree of the trial court be finally reversed, and then only to the extent that such reversal shall modify or annul the judgment or decree of the trial court.

"Sec. 8. Either party to said suit has the right of appeal from the final judgment therein and said appeal shall at once be returnable to the appellate court and said action so appealed shall have precedence in said appellate court over all cases, proceedings and causes of a different character therein pending. The Supreme Court in dealing with any application for writ of error, or in determining any case that may be appealed to it under this act, shall give such case precedence in said court over all other cases pending therein.

"Sec. 9. Whenever it shall appear that any party engaged in the production of crude petroleum or natural gas is violating any statute of this State or any rule, regulation or order of the Commission promulgated to correct, prevent or lessen the waste of crude petroleum oil or natural gas, the Commission may bring suit against such party in any court of competent jurisdiction in Travis county, Texas, or in the county of the residence of the defendants or any of them, or in the county in which such violations is alleged to have occurred, but not elsewhere, to restrain such party from violating such rule, regulation or order, or any part thereof, and in such suit the Commission may obtain such preliminary restraining order or temporary or final injunction as the facts may warrant. Such remedies shall be cumulative of all other remedies, penalties and damages. All provisions herein for speeding the hearing and trial of suits brought under Section 6 hereof and the appeal of such suits shall apply to suits brought under this section.

"Sec. 10. Whenever an order, rule or regulation promulgated by the

Commission has been finally adjudged to be valid, in whole or in part, in any suit to which the Commission is a party, and thereafter any party to the suit or other proceedings in which such matter has been so adjudged, shall violate such rule, regulation, order or judgment, or shall suffer any property owned or controlled by him to be used in violation of any such rule, regulation, order or judgment, the Commission shall have the power, and it shall be its duty, to make application to the judge of the trial court, setting out such rule, regulation, order or judgment, and that such party, subsequent to the date of such judgment, has violated, or is violating such rule, regulation, order or judgment, and praying that a receiver be appointed as provided in this section. Thereupon the judge of such trial court may, after notice, and hearing, appoint a receiver of the property involved or used in violating such rule, regulation, order or judgment, and shall fix a proper bond for such receiver. As soon as such receiver has qualified, he shall take possession of such property, and such receiver thereafter shall perform his duties as receiver of such property under the orders of said court, strictly observing such rule, regulation, order or judgment. Any party whose property has been so placed in the hands of a receiver may move to dissolve such receivership and discharge the receiver, and may show to the court that the waste has been corrected and no longer exists, or that the receiver is negligently or improperly managing such property, whereupon the court shall dissolve such receivership and turn such property back to its owners. In its discretion such court may, before dissolving such receivership, or discharging such receiver, require the party applying for such dissolution or discharge to give bond in such amount, and payable, conditioned and approved, and for the use and benefit of the parties and to be sued on within the time, as provided with reference to bond for injunction to be given by complainant under Section 6 of this act.

"Sec. 11. Nothing herein contained or authorized, and no suit by or against the Commission, and no penalties imposed upon or claimed

against any party violating any statute of this State, or any rule, regulation or order of the Commission, shall impair or abridge or delay any cause of action for damages, or other relief, any owner of any land or any producer of crude petroleum oil or natural gas, or any other party at interest, may have or assert against any party violating any rule, regulation or order of the Commission, or any judgment herein mentioned. Any party owning any interest in any property or production which may be damaged by any other party violating this act or any other statute of this State prohibiting waste or violating any valid rule, regulation or order of the Commission, may sue for and recover such damages and have such other relief as he may be entitled to in law or in equity.

"Sec. 12. The fact that any party owning or operating any property producing crude petroleum oil or natural gas is not so operating such property as to produce waste, prohibited by this act, if such property alone were considered, shall not justify such party in violating any rule, regulation, order or judgment regulating or affecting, not only such property but all other property.

"Sec. 13. Nothing in this act contained shall be construed to relieve any party from the duties and obligations imposed by Chapter 36, page 171, Acts of the Forty-first Legislature at its Fifth Called Session, commonly known as the Common Purchaser Law. Nothing in this act contained shall modify or change in any way the terms and provisions of Senate bill No. 337, passed by the Forty-second Legislature at its Regular Session, commonly known as the Marginal Well Bill.

"Sec. 14. This act shall be cumulative of all laws of the State of Texas not inconsistent herewith, relative to crude petroleum oil and natural gas.

"Sec. 15. If any of the sections, clause or any provisions of this act or of any other act referred to by this act shall be held to be unconstitutional, or otherwise invalid or unenforceable, such holding shall not have the effect of nullifying or in anywise affecting the remainder of this act and the parts of this act not so held to be unconstitutional or invalid shall remain in full force and effect.

"Sec. 16. The term 'Commission' as used herein shall mean the Railroad Commission of Texas, but in the event a Conservation Commission shall be created by the First Called Session of the Forty-second Legislature, the powers and duties herein set forth shall be exercised by and transferred to the Conservation Commission, from and after the date said act becomes effective.

"Sec. 17. The fact that the present laws for the prevention of waste of the natural resources of Texas are inadequate, and that the State of Texas, in its endeavor to prevent waste of such natural resources, is being hindered by suits questioning its powers and duties with respect to such matters, create an emergency and an imperative public necessity that the constitutional rule which requires bills to be read on three several days be suspended, and that this act so take effect and be in force from and after its passage, and it is hereby so enacted."

(Mr. Beck in the chair.)

Mr. Farmer offered the following amendment to the amendment:

Amend minority report by adding at the close of subsection (1) in Section 2 these words, to be numbered (1a): "waste incident to or resulting from the unnecessary, inefficient, excessive or improper use of the gas, gas energy or water drive in any well, pool or area; however, it is not the intent of this act to require repressuring of an oil pool, or that the separately owned properties in any pool or area be utilized under one management, control or ownership."

The amendment was lost.

Mr. Hardy offered the following amendment to the amendment:

Amend the amendment by adding after the words "return date" on page 4, line 8, and before the phrase "or answer filed," the following words: "or at any time after ten days from completion of service of process."

The amendment was adopted.

Mr. Bedford offered the following amendment to the amendment:

Amend substitute bill for House bill No. 25, Section 2, by adding at the beginning of Section 2 the following: "Article 6014 of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 313, Acts of the Regular Session of the

Forty-first Legislature of the State of Texas, is hereby amended so that said article will hereafter read as follows, to-wit: "

The amendment was adopted.

Mr. Hardy offered the following amendment to the amendment:

"Sec. 5a. No producer or purchaser who operate a pipe line or who transports oil through common carrier pipe line or by railroad tank cars in this State, nor a common carrier pipe line which does not purchase oil, but who transports oil for hire, shall purchase, take or transport a greater percentage of oil from his or its own lease or from the seller or shipper from any lease than from the seller or shipper from any other lease in the same pool.

"Any purchaser of crude petroleum from any pool or other common source of supply shall be bound by the provisions hereof; and under the conditions of this section a production of crude petroleum owned or controlled either directly or indirectly by any such purchaser shall be subject to the above provision for ratable taking in the same manner and to the same extent as production of any operator owning producing properties in said pool or common source of supply. The Commission is hereby authorized to so regulate the taking of crude petroleum from any and all of the pools or common source of supply in this State as to prevent the inequitable or unfair taking from a pool or common source of supply by any person, firm or corporation and to prevent unreasonable discrimination in favor of any one pool or common source of supply as against another.

"Sec. 5b. Whenever any producer or purchaser of oil who operates a pipe line or who purchases or transports oil through a common carrier pipe line or a common carrier pipe line who does not purchase oil, but who transports oil for hire, shall violate any rule, regulation, order or judgment promulgated by the Railroad Commission, or who shall suffer any property owned or controlled by it to be used in violation of any such rule, regulation, order or judgment has been held by a trial court to be valid, in whole or in part; or who shall violate any provision of this act or any provision of Chapter 102 of the Civil Statutes of this State, such person, firm or corporation shall be

subject to the penalties as hereinabove set out. Each day that said person, firm or corporation shall violate said provisions, rules, regulations or orders shall be and constitute a separate offense. And if said producer or purchaser as hereinabove set out shall be a corporation incorporated in the State of Texas its charter and franchise to do business in this State shall be subject to forfeiture, and if a foreign corporation doing business in this State by virtue of a permit its permit shall be subject to a forfeiture. In the event of such a violation by such corporation, it shall be the duty of the Attorney General of this State to instigate suit for the forfeiture of the charter or permit, as the case may be, of such violator and for the appointment of a receiver to operate and control the assets of such corporation doing the liquidation thereof.

"Sec. 5c. Any person, firm or corporation who shall suffer loss or injury in any manner by reason of the violation of any person, firm or corporation of any valid order, rule and regulation of the Railroad Commission of Texas entered in pursuance of this act or to Title 102 of the Revised Statutes of Texas for 1925; or by reason of violation of any of the provisions of this act, may sue, therefore, in any court of this State having jurisdiction thereof, said suit to be filed where the loss or injury thereof was sustained or where the violation or any part thereof occurred, and said person, firm or corporation so damaged or injured shall recover the damages by him sustained and costs of suit, including a reasonable attorney's fees."

Question recurring on the amendment by Mr. Hardy, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yeas—57.

Adamson.	Cox of Lamar.
Adkins.	Cox of Limestone.
Akin.	Davis.
Albritton.	Dodd.
Baker.	Donnell.
Barron.	Elliott.
Bedford.	Farmer.
Brice.	Farrar.
Bryant.	Ferguson.
Burns of Walker.	Fisher.
Burns	Forbes.
of McCulloch.	Fuchs.
Caven.	Giles.
Coltrin.	Goodman.

Greathouse.	Olsen.
Hanson.	Satterwhite.
Hardy.	Scott.
Harman.	Sherrill.
Hill.	Smith of Wood.
Hines.	Sparkman.
Hoskins.	Tarwater.
Hughes.	Terrell
Johnson	of Cherokee.
of Dallam.	Towery.
Jones of Atascosa.	Turner.
Laird.	Van Zandt.
Lockhart.	Veatch.
McGregor.	Wiggs.
Metcalfe.	Wyatt.
Moffett.	Young.

## Nays—58.

Adams of Jasper.	McCombs.
Alsup.	McDougald.
Anderson.	McGill.
Bounds.	Magee.
Boyd.	Mathis.
Carpenter.	Morse.
Claunch.	Munson.
Dowell.	Murphy.
Dwyer.	Nicholson.
Finn.	O'Quinn.
Ford.	Petsch.
Gilbert.	Ramsey.
Graves.	Ratliff.
Hatchitt.	Ray.
Herzik.	Reader.
Holder.	Richardson.
Holland.	Rountree.
Holloway.	Savage.
Howsley.	Shelton.
Hubbard.	Smith of Bastrop.
Jackson.	Steward.
Johnson	Strong.
of Dimmit.	Sullivant.
Johnson of Morris.	Terrell
Justiss.	of Val Verde.
Keller.	Wagstaff.
Kennedy.	Walker.
Lee.	Warwick.
Lilley.	Weinert.
Long.	West of Coryell.

## Absent.

Adams of Harris.	Jones of Shelby.
Beck.	Kayton.
Bond.	Lasseter.
Dale.	Lemens.
Daniel.	Leonard.
DeWolfe.	Martin.
Duvall.	Pope.
Englehard.	Rogers.
Grogan.	Sanders.
Harrison	Stephens.
of El Paso.	Stevenson.
Harrison	West of Cameron.
of Waller.	Westbrook.
Hefley.	

## Absent—Excused.

Bradley.	Mehl.
Brooks.	Moore.
Coombes.	Patterson.
Cunningham.	Vaughan.
Dunlap.	

Mr. Sullivan moved to reconsider the vote by which the amendment was lost.

Mr. McCombs moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—55.

Adams of Jasper.	Keller.
Alsup.	Lee.
Anderson.	Lilley.
Beck.	Long.
Bounds.	McCombs.
Boyd.	McDougald.
Burns of Walker.	McGill.
Burns	Mathis.
of McCulloch.	Munson.
Carpenter.	Murphy.
Daniel.	Nicholson.
Dowell.	O'Quinn.
Dwyer.	Petsch.
Finn.	Ratliff.
Ford.	Ray.
Gilbert.	Reader.
Hatchitt.	Rountree.
Herzik.	Savage.
Holder.	Shelton.
Holland.	Smith of Bastrop.
Holloway.	Steward.
Howsley.	Strong.
Hubbard.	Terrell.
Jackson.	of Val Verde.
Johnson	Wagstaff.
of Dimmit.	Walker.
Johnson of Morris.	Warwick.
Jones of Shelby.	Weinert.
Justiss.	West of Coryell.

## Nays—59.

Adamson.	Donnell.
Adkins.	Elliott.
Akin.	Farmer.
Albritton.	Farrar.
Baker.	Ferguson.
Barron.	Fisher.
Bedford.	Forbes.
Brice.	Fuchs.
Bryant.	Giles.
Caven.	Goodman.
Claunch.	Graves.
Coltrin.	Greathouse.
Cox of Lamar.	Hanson.
Davis.	Hardy.
Dodd.	Hines.

Hoskins.	Satterwhite.
Hughes.	Scott.
Johnson	Smith of Wood.
of Dallam.	Sparkman.
Jones of Atascosa.	Stephens.
Kennedy.	Sullivant.
Laird.	Tarwater.
Lasseter.	Terrell.
Lockhart.	of Cherokee.
McGregor.	Towery.
Magee.	Turner.
Metcalfe.	Van Zandt.
Moffett.	Veatch.
Olsen.	Wyatt.
Ramsey.	Young.
Richardson.	

## Absent.

Adams of Harris.	Hill.
Bond.	Kayton.
Cox of Limestone.	Lemens.
Dale.	Leonard.
DeWolfe.	Martin.
Duvall.	Morse.
Englehard.	Pope.
Grogan.	Rogers.
Harman.	Sanders.
Harrison	Sherrill.
of El Paso.	Stevenson.
Harrison	West of Cameron.
of Waller.	Westbrook.
Hefley.	Wiggs.

## Absent—Excused.

Bradley.	Mehl.
Brooks.	Moore.
Coombes.	Patterson.
Cunningham.	Vaughan.
Dunlap.	

Question then recurring on the motion to reconsider, it prevailed by the following vote:

## Yeas—58.

Adamson.	Ferguson.
Adkins.	Forbes.
Akin.	Fuchs.
Albritton.	Giles.
Baker.	Goodman.
Barron.	Greathouse.
Bedford.	Hanson.
Brice.	Hardy.
Bryant.	Harman.
Burns	Hines.
of McCulloch.	Hoskins.
Caven.	Hughes.
Claunch.	Johnson
Coltrin.	of Dallam.
Cox of Lamar.	Jones
Davis.	of Atascosa.
Dodd.	Justiss.
Donnell.	Kennedy.
Elliott.	Laird.
Farmer.	Lasseter.
Farrar.	Lockhart.

McGregor.	Sullivan.
Magee.	Tarwater.
Metcalfe.	Terrell
Moffett.	of Cherokee.
Olsen.	Towery.
Satterwhite.	Turner.
Scott.	Van Zandt.
Smith of Wood.	Veatch.
Sparkman.	Wyatt.
Stephens.	Young.

## Nays—56.

Adams of Jasper.	Long.
Alsup.	McCombs.
Anderson.	McDougald.
Bounds.	McGill.
Boyd.	Mathis.
Burns of Walker.	Munson.
Carpenter.	Murphy.
Daniel.	Nicholson.
Dwyer.	O'Quinn.
Finn.	Petsch.
Fisher.	Ramsey.
Ford.	Ratliff.
Gilbert.	Ray.
Graves.	Reader.
Hatchitt.	Richardson.
Herzik.	Rountree.
Holder.	Savage.
Holland.	Shelton.
Holloway.	Sherrill.
Howsley.	Smith of Bastrop.
Hubbard.	Steward.
Jackson.	Strong.
Johnson	Terrell
of Dimmit.	of Val Verde.
Johnson of Morris.	Wagstaff.
Jones of Shelby.	Walker.
Keller.	Warwick.
Lee.	Weinert.
Lilley.	West of Coryell.

## Present—Not Voting.

Leonard.

## Absent.

Adams of Harris.	Hefley.
Beck.	Hill.
Bond.	Kayton.
Cox of Limestone.	Lemens.
Dale.	Martin.
DeWolfe.	Morse.
Dowell.	Pope.
Duvall.	Rogers.
Englehard.	Sanders.
Grogan.	Stevenson.
Harrison	West of Cameron.
of El Paso.	Westbrook.
Harrison	Wiggs.
of Waller.	

## Absent—Excused.

Bradley.	Mehl.
Brooks.	Moore.
Coombes.	Patterson.
Cunningham.	Vaughan.
Dunlap.	

Question then recurring on the amendment by Mr. Hardy to the amendment, it was adopted by the following vote:

## Yeas—62.

Adamson.	Harrison
Adkins.	of Waller.
Akin.	Hines.
Albritton.	Hoskins.
Baker.	Hughes.
Barron.	Johnson
Bedford.	of Dallam.
Brice.	Jones of Atascosa.
Brooks.	Justiss.
Bryant.	Kennedy.
Burns	Laird.
of McCulloch.	Lasseter.
Caven.	Lockhart.
Claunch.	McGregor.
Coltrin.	Magee.
Cox of Lamar.	Moffett.
Cox of Limestone.	Richardson.
Dodd.	Satterwhite.
Donnell.	Scott.
Dowell.	Smith of Wood.
Elliott.	Sparkman.
Farmer.	Stephens.
Farrar.	Sullivan.
Ferguson.	Tarwater.
Fisher.	Terrell
Forbes.	of Cherokee.
Fuchs.	Towery.
Giles.	Turner.
Goodman.	Van Zandt.
Greathouse.	Veatch.
Hanson.	West of Cameron.
Hardy.	Wyatt.
Harman.	Young.

## Nays—57.

Adams of Jasper.	Keller.
Alsup.	Lee.
Anderson.	Leonard.
Bounds.	Lilley.
Boyd.	Long.
Burns of Walker.	McCombs.
Carpenter.	McDougald.
Daniel.	McGill.
DeWolfe.	Mathis.
Dwyer.	Metcalfe.
Finn.	Morse.
Ford.	Munson.
Gilbert.	Murphy.
Graves.	Nicholson.
Hatchitt.	O'Quinn.
Hill.	Petsch.
Holder.	Ramsey.
Holland.	Ratliff.
Howsley.	Ray.
Hubbard.	Reader.
Jackson.	Rountree.
Johnson	Savage.
of Dimmit.	Shelton.
Johnson of Morris.	Sherrill.
Jones of Shelby.	Smith of Bastrop.

Steward.	Walker.
Strong.	Warwick.
Terrell	Weinert.
of Val Verde.	West of Coryell.
Wagstaff.	

Absent.

Adams of Harris.	Holloway.
Beck.	Kayton.
Bond.	Lemens.
Dale.	Martin.
Davis.	Olsen.
Duvall.	Pope.
Engelhard.	Rogers.
Grogan.	Sanders.
Harrison	Stevenson.
of El Paso.	Westbrook.
Hefley.	Wiggs.
Herzik.	

Absent—Excused.

Bradley.	Mehl.
Coombes.	Moore.
Cunningham.	Patterson.
Dunlap.	Vaughan.

(Mr. Minor in the chair.)

Mr. McGregor moved that the Committee rise, report progress and ask leave to sit again at 9 o'clock a. m. tomorrow.

The motion prevailed by the following vote:

Yeas—63.

Akin.	Johnson
Anderson.	of Dallam.
Baker.	Johnson
Barron.	of Dimmit.
Bedford.	Johnson of Morris.
Bounds.	Jones of Atascosa.
Brooks.	Kennedy.
Bryant.	Laird.
Coltrin.	Lasseter.
Cox of Lamar.	Leonard.
Daniel.	Lockhart.
Dodd.	McGregor.
Donnell.	Mathis.
Dowell.	O'Quinn.
Elliott.	Ramsey.
Farmer.	Ray.
Farrar.	Reader.
Ferguson.	Richardson.
Fisher.	Rogers.
Giles.	Satterwhite.
Goodman.	Scott.
Graves.	Shelton.
Hanson.	Smith of Bastrop.
Hardy.	Smith of Wood.
Harman.	Sparkman.
Harrison	Sullivan.
of El Paso.	Towery.
Hefley.	Turner.
Hines.	Van Zandt.
Holloway.	Wagstaff.
Hoskins.	West of Coryell.

West of Cameron.	Wyatt.
Wiggs.	Young.

Nays—56.

Adams of Jasper.	Lee.
Adamson.	Lilley.
Adkins.	Long.
Albritton.	McCombs.
Alsup.	McDougald.
Boyd.	McGill.
Burns	Magee.
of McCulloch.	Morse.
Carpenter.	Munson.
Claunch.	Murphy.
Cox of Limestone.	Nicholson.
DeWolfe.	Petsch.
Dwyer.	Ratliff.
Finn.	Rountree.
Forbes.	Sanders.
Ford.	Savage.
Fuchs.	Sherrill.
Gilbert.	Stephens.
Greathouse.	Steward.
Hatchitt.	Strong.
Hill.	Tarwater.
Holder.	Terrell
Holland.	of Cherokee.
Howsley.	Terrell
Hubbard.	of Val Verde.
Hughes.	Veatch.
Jackson.	Walker.
Jones of Shelby.	Warwick.
Justiss.	Weinert.
Keller.	

Absent.

Adams of Harris.	Harrison of Waller.
Beck.	Herzik.
Bond.	Kayton.
Brice.	Lemens.
Burns of Walker.	Martin.
Caven.	Metcalfe.
Dale.	Moffett.
Davis.	Olsen.
Duvall.	Pope.
Englehard.	Stevenson.
Grogan.	Westbrook.

Absent—Excused.

Bradley.	Mehl.
Coombes.	Moore.
Cunningham.	Patterson.
Dunlap.	Vaughan.

Signed—Fred H. Minor, Chairman  
of the Committee of the Whole House.

#### CONCERNING REHABILITATION OF THE OLD TRAVIS COUNTY COURTHOUSE.

Mr. Sanders offered the following  
resolution:

H. C. R. No. 9, Concerning the re-

habilitation of the old Travis county courthouse:

Whereas, At the Regular Session of the Forty-second Legislature of the State of Texas, there was appropriated out of the general fund of the State the sum of \$33,580 for the repair and renovation of the old Travis county courthouse building, in order that more office space could be provided for some of the overcrowded State Departments; and

Whereas, Another act of the same legislative session provided for the erection of a State Highway Building on the site now occupied by the old Travis county jail and jailer's residence and immediately east of said courthouse building, making it necessary to raze and remove said jail and residence; and

Whereas, The State Game, Fish and Oyster Commission some months ago was requested by the State Board of Control to move out of its quarters in the New Land Office Building in order to provide space for other overcrowded State Departments which had no funds with which to rent additional necessary quarters; and the said Commission complied with said request, and has been, and now is, paying \$250 per month rent for their present quarters; and

Whereas, The Board of Control has indicated that it desires to assign space in the reconstructed courthouse building to some of the overcrowded Departments now housed in the Capitol building, and also, if proper arrangements therefor can be made, to provide therein sufficient space to house the Game, Fish and Oyster Commission, thus saving the State the sum of \$250 per month which the Commission is now paying for rented quarters; and

Whereas, The razing of said jail and jailer's residence will provide an abundance of rock similar to that contained in the courthouse building, but the Board of Control finds that the amount of money appropriated out of the general revenue fund for such repairs and renovation will be insufficient to utilize such rock and other material in the reconstruction of said courthouse building in a manner to provide a sufficient enlargement of said building to also house said Game, Fish and Oyster Commission, unless said appropriation is supplemented to a total sum of approximately \$50,000; and

Whereas, The Board of Control has conferred with the State Game, Fish and Oyster Commission and has requested said Commission to supplement said appropriation out of said Commission's funds, provided the Legislature first shall have given their approval of such expenditure out of said funds by a resolution; and

Whereas, Neither the Board of Control, nor the Game, Fish and Oyster Commission is willing to supplement the appropriation to rehabilitate the courthouse building without express authority from the Legislature; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Game, Fish and Oyster Commission be, and it is hereby, authorized to supplement the above-mentioned appropriation of \$33,580 with a sum sufficient to repair, reconstruct and rehabilitate the courthouse building in accordance with the desires, plans and specifications of the State Board of Control, such expenditures to be made upon the contractor's written estimates which have heretofore been approved by the Board of Control, but in no event shall said Game, Fish and Oyster Commission use more than \$16,500 of its funds for said purpose; and the said Commission is hereby authorized to pay said \$16,500, or so much thereof as may be necessary, out of any of the several funds that have been heretofore appropriated to the Game, Fish and Oyster Commission for the biennium ending August 31, 1933.

SANDERS,  
MCGREGOR,  
GILES,  
SATTERWHITE,  
YOUNG,  
GRAVES,  
PETSCH.

The resolution was read second time.

On motion of Mr. Sanders, the resolution was referred to the Committee on Appropriations.

#### HOUSE BILL NO. 30 ON SECOND READING.

On motion of Mr. Caven (by unanimous consent), the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 30, A bill to be entitled



"An Act creating a closed season on wild, deer, buck, does and fawn for a period of five years in the counties of Harrison, Marion, Red River, Bowie, Cass, Morris and Titus, in the State of Texas; making it unlawful for any person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, does or fawn within said counties for a period of five years; providing a penalty therefor, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Caven offered the following (committee) amendments to the bill:

(1)

Amend House bill No. 30, in Section 1, line 3, by striking out the words "or fawn" and inserting in lieu thereof the words "fawn or wild turkey."

(2)

Amend House bill No. 30 by changing the caption to conform to the body of the bill.

The amendments were severally adopted.

M. Wiggs offered the following amendment to the bill:

Amend the bill by adding the following counties to the provisions of the bill: "Camp, Upshur and Lamar."

The amendment was adopted.

House bill No. 30 was then passed to engrossment.

HOUSE BILL NO. 30 ON THIRD READING.

Mr. Caven moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 30 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—98.

Adamson.	Burns
Adkins.	of McCulloch.
Akin.	Carpenter.
Albritton.	Caven.
Alsup.	Claunch.
Baker.	Coltrin.
Barron.	Cox of Lamar.
Bounds.	Cox of Limestone.
Boyd.	Daniel.
Brice.	DeWolfe.
Brooks.	Dodd.

Donnell.	Long.
Dowell.	McCombs.
Elliott.	McDougald.
Farrar.	McGill.
Fisher.	Magee.
Forbes.	Mathis.
Ford.	Morse.
Gilbert.	Munson.
Giles.	Murphy.
Graves.	Petsch.
Greathouse.	Ramsey.
Hanson.	Ratliff.
Hardy.	Ray.
Harman.	Reader.
Hatchitt.	Richardson.
Hefley.	Rountree.
Herzik.	Sanders.
Hill.	Satterwhite.
Hines.	Savage.
Holland.	Shelton.
Holloway.	Sherrill.
Hoskins.	Smith of Bastrop.
Howsley.	Smith of Wood.
Hubbard.	Sparkman.
Hughes.	Stephens.
Jackson.	Steward.
Johnson	Strong.
of Dallam.	Sullivant.
Johnson	Terrell
of Dimmit.	of Cherokee.
Johnson of Morris.	Turner.
Jones of Atascosa.	Van Zandt.
Justiss.	Veatch.
Keller.	Wagstaff.
Kennedy.	Walker.
Laird.	Warwick.
Lasseter.	Weinert.
Lee.	West of Coryell.
Lemens.	West of Cameron.
Lilley.	Wiggs.

Nays—1.

Lockhart.

Present—Not Voting.

Farmer.

Absent.

Adams of Harris.	Harrison
Adams of Jasper.	of El Paso.
Anderson.	Harrison
Beck.	of Waller.
Bedford.	Holder.
Bond.	Jones of Shelby.
Bryant.	Kayton.
Burns of Walker.	Leonard.
Dale.	McGregor.
Davis.	Martin.
Duval.	Metcalfe.
Dwyer.	Moffett.
Engelhard.	Nicholson.
Ferguson.	Olsen.
Finn.	O'Quinn.
Fuchs.	Pope.
Goodman.	Rogers.
Grogan.	Scott.

Stevenson.	Towery.
Tarwater.	Westbrook.
Terrell	Wyatt.
of Val Verde.	Young.

Absent—Excused.

Bradley.	Mehl.
Coombes.	Moore.
Cunningham.	Patterson.
Dunlap.	Vaughan.

The Speaker then laid House bill No. 30 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—102.

Adams of Jasper.	Howsley.
Adamson.	Hubbard.
Adkins.	Hughes.
Akin.	Jackson.
Albritton.	Johnson
Alsup.	of Dallam.
Baker.	Johnson
Barron.	of Dimmit.
Bounds.	Johnson of Morris.
Boyd.	Jones of Atascosa.
Brice.	Justiss.
Brooks.	Keller.
Burns	Kennedy.
of McCulloch.	Laird.
Carpenter.	Lasseter.
Caven.	Lee.
Claunch.	Lemens.
Coltrin.	Lilley.
Cox of Lamar.	Lockhart.
Cox of Limestone.	Long.
Daniel.	McCombs.
Davis.	McDougald.
De Wolfe.	McGill.
Dodd.	Magee.
Donnell.	Mathis.
Dowell.	Morse.
Elliott.	Munson.
Farrar.	Murphy.
Forbes.	Petsch.
Ford.	Ramsey.
Fuchs.	Ratliff.
Gilbert.	Ray.
Giles.	Reader.
Graves.	Richardson.
Greathouse.	Rountree.
Hanson.	Sanders.
Hardy.	Satterwhite.
Harman.	Savage.
Harrison	Shelton.
of El Paso.	Sherrill.
Hatchitt.	Smith of Bastrop.
Hefley.	Smith of Wood.
Herzik.	Sparkman.
Hill.	Stephens.
Hines.	Steward.
Holland.	Strong.
Holloway.	Sullivant.
Hoskins.	Terrell of Cherokee.

Towery.	Walker.
Turner.	Warwick.
Van Zandt.	Weinert.
Veatch.	West of Coryell.
Wagstaff.	Wiggs.

Nays—1.

Farmer.

Absent.

Adams of Harris.	Leonard.
Anderson.	McGregor.
Beck.	Martin.
Bedford.	Metcalfe.
Bond.	Moffett.
Bryant.	Nicholson.
Burns of Walker.	Olsen.
Dale.	O'Quinn.
Duvall.	Patterson.
Dwyer.	Pope.
Engelhard.	Rogers.
Ferguson.	Scott.
Finn.	Stevenson.
Fisher.	Tarwater.
Goodman.	Terrell
Grogan.	of Val Verde.
Harrison	West of Cameron.
of Waller.	Westbrook.
Holder.	Wyatt.
Jones of Shelby.	Young.
Kayton.	

Absent—Excused.

Bradley.	Mehl.
Coombes.	Moore.
Cunningham.	Vaughan.
Dunlap.	

## SENATE BILL NO. 20 ON SECOND READING.

On motion of Mr. Carpenter (by unanimous consent), the regular order or business was suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 20, A bill to be entitled "An Act to amend Section 1 of House bill No. 818, Chapter 319, Acts of the Forty-second Legislature, Regular Session, 1931, page 834, Session Laws, conferring upon all counties adjacent to the Gulf of Mexico the right of eminent domain where land, right of way or easements or dumping ground privileges are necessary to be secured for the construction of an intracoastal canal; providing for the institutions of such proceedings in the name of the county, and that the assessing of damages shall be in conformity to the statutes of the State of Texas for the condemning and acquiring right of way by railroads; and providing that no appeal shall cause suspension of work, and that

counties shall not be required to give appeal bond or bond for costs; and authorizing the commissioners courts of such counties to issue warrants bearing interest not exceeding six per cent (6%) per annum, to be used in the payment either by outright purchase or after condemnation proceedings of lands for right of way or easements and dumping ground purposes for an intracoastal canal, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to third reading.

#### SENATE BILL NO. 20 ON THIRD READING.

Mr. Carpenter moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 20 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—99.

Mr. Speaker.	Harman.
Adams of Jasper.	Harrison
Adamson.	of El Paso.
Akin.	Hatchitt.
Albritton.	Hefley.
Alsup.	Herzik.
Baker.	Hines.
Barron.	Holland.
Beck.	Holloway.
Bounds.	Hoskins.
Boyd.	Howsley.
Brice.	Hubbard.
Brooks.	Hughes.
Burns	Jackson.
of McCulloch.	Johnson
Carpenter.	of Dallam.
Caven.	Johnson
Claunch.	of Dimmit.
Coltrin.	Johnson of Morris.
Cox of Lamar.	Jones of Atascosa.
Cox of Limestone.	Justiss.
Daniel.	Keller.
Davis.	Kennedy.
Dodd.	Lee.
Donnell.	Lemens.
Elliott.	Lilley.
Farmer.	Lockhart.
Farrar.	Long.
Forbes.	McCombs.
Ford.	McDougald.
Fuchs.	McGill.
Gilbert.	Magee.
Giles.	Mathis.
Graves.	Morse.
Greathouse.	Munson.
Hanson.	Murphy.
Hardy.	Ramsey.

Ratliff.  
Ray.  
Reader.  
Richardson.  
Rogers.  
Rountree.  
Sanders.  
Satterwhite.  
Savage.  
Sherrill.  
Smith of Wood.  
Sparkman.  
Stephens.  
Steward.  
Strong.

Sullivan.  
Tarwater.  
Towery.  
Turner.  
Van Zandt.  
Veatch.  
Wagstaff.  
Walker.  
Warwick.  
Weinert.  
West of Coryell.  
West of Cameron.  
Wiggs.  
Wyatt.

Nays—2.

Laird. Terrell  
of Cherokee.

Absent.

Adams of Harris.	Jones of Shelby.
Adkins.	Kayton.
Anderson.	Lasseter.
Bedford.	Leonard.
Bond.	McGregor.
Bryant.	Martin.
Burns of Walker.	Metcalfe.
Dale.	Moffett.
DeWolfe.	Nicholson.
Dowell.	Olsen.
Duvall.	O'Quinn.
Dwyer.	Patterson.
Englehard.	Petsch.
Ferguson.	Pope.
Finn.	Scott.
Fisher.	Shelton.
Goodman.	Smith of Bastrop.
Grogan.	Stevenson.
Harrison	Terrell
of Waller.	of Val Verde.
Hill.	Westbrook.
Holder.	Young.

Absent—Excused.

Bradley.	Mehl.
Coombes.	Moore.
Cunningham.	Vaughan.
Dunlap.	

The Speaker then laid Senate bill No. 20 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—101.

Mr. Speaker.	Bounds.
Adams of Jasper.	Boyd.
Adamson.	Brice.
Adkins.	Brooks.
Akin.	Burns
Albritton.	of McCulloch.
Alsup.	Carpenter.
Baker.	Caven.
Barron.	Claunch.
Beck.	Coltrin.

Cox of Lamar.	Lemens.
Cox of Limestone.	Lilley.
Daniel.	Lockhart.
Davis.	Long.
Dodd.	McCombs.
Donnell.	McDougald.
Elliott.	McGill.
Farmer.	Magee.
Farrar.	Mathis.
Forbes.	Morse.
Ford.	Munson.
Fuchs.	Murphy.
Gilbert.	Olsen.
Giles.	Ramsey.
Graves.	Ratliff.
Greathouse.	Ray.
Hanson.	Reader.
Hardy.	Richardson.
Harman.	Rogers.
Harrison	Sanders.
of El Paso.	Satterwhite.
Hatchitt.	Savage.
Hefley.	Shelton.
Herzik.	Sherrill.
Hill.	Smith of Wood.
Hines.	Sparkman.
Holland.	Stephens.
Holloway.	Steward.
Hoskins.	Strong.
Howsley.	Sullivant.
Hubbard.	Tarwater.
Hughes.	Turner.
Jackson.	Van Zandt.
Johnson	Veatch.
of Dimmit.	Wagstaff.
Johnson of Morris.	Walker.
Jones of Atascosa.	Warwick.
Justiss.	Weinert.
Keller.	West of Coryell.
Kennedy.	West of Cameron.
Laird.	Wiggs.
Lee.	Wyatt.

## Nays—1.

Terrell of Cherokee.

## Absent.

Adams of Harris.	Holder.
Anderson.	Johnson
Bedford.	of Dallam.
Bond.	Jones of Shelby.
Bryant.	Kayton.
Burns of Walker.	Lasseter.
Dale.	Leonard.
DeWolfe.	McGregor.
Dowell.	Martin.
Duvall.	Metcalfe.
Dwyer.	Moffett.
Englehard.	Nicholson.
Ferguson.	O'Quinn.
Finn.	Patterson.
Fisher.	Petsch.
Goodman.	Pope.
Grogan.	Rountree.
Harrison	Scott.
of Waller.	Smith of Bastrop.

Stevenson.	Towery.
Terrell	Westbrook.
of Val Verde.	Young.

## Absent—Excused.

Bradley.	Mehl.
Coombes.	Moore.
Cunningham.	Vaughan.
Dunlap.	

## HOUSE BILL NO. 37 ON SECOND READING.

On motion of Mr. Jones of Atascosa (by unanimous consent), the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 37, A bill to be entitled "An Act amending House bill No. 943, passed at the Regular Session of the Forty-second Legislature of the State of Texas, being Chapter 159, page 311, of the Special Laws of the State of Texas; repealing all laws in conflict with said act, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time, and was passed to engrossment.

## HOUSE BILL NO. 37 ON THIRD READING.

Mr. Jones of Atascosa moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 37 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—99.

Adams of Jasper.	Daniel.
Adamson.	Davis.
Adkins.	DeWolfe.
Akin.	Dodd.
Albritton.	Donnell.
Alsup.	Elliott.
Baker.	Farrar.
Barron.	Forbes.
Beck.	Ford.
Bounds.	Fuchs.
Boyd.	Gilbert.
Brice.	Giles.
Burns	Goodman.
of McCulloch.	Graves.
Carpenter.	Greathouse.
Caven.	Hanson.
Claunch.	Hardy.
Coltrin.	Harman.
Cox of Lamar.	Harrison
Cox of Limestone.	of El Paso.

Hatchitt.	Murphy.
Hefley.	Ratliff.
Herzik.	Ray.
Hill.	Reader.
Holland.	Richardson.
Holloway.	Rogers.
Hoskins.	Rountree.
Howsley.	Sanders.
Hubbard.	Satterwhite.
Hughes.	Savage.
Jackson.	Shelton.
Johnson	Sherrill.
of Dallam.	Smith of Wood.
Johnson	Sparkman.
of Dimmit.	Stephens.
Johnson of Morris.	Steward.
Jones of Atascosa.	Strong.
Justiss.	Sullivant.
Keller.	Tarwater.
Kennedy.	Turner.
Laird.	Van Zandt.
Lee.	Veatch.
Lemens.	Wagstaff.
Lilley.	Walker.
Lockhart.	Warwick.
McCombs.	Weinert.
McDougald.	West of Coryell.
McGill.	West of Cameron.
Magee.	Wiggs.
Mathis.	Wyatt.
Morse.	Young.
Munson.	

Present—Not Voting.

Farmer.

Absent.

Adams of Harris.	Leonard.
Anderson.	Long.
Bedford.	McGregor.
Bond.	Martin.
Bryant.	Metcalfe.
Burns of Walker.	Moffett.
Dale.	Nicholson.
Dowell.	Olsen.
Duvall.	O'Quinn.
Dwyer.	Petsch.
Engelhard.	Pope.
Ferguson.	Ramsey.
Finn.	Scott.
Fisher.	Smith of Bastrop.
Grogan.	Stevenson.
Harrison	Terrell
of Waller.	of Cherokee.
Hines.	Terrell
Holder.	of Val Verde.
Jones of Shelby.	Towery.
Kayton.	Westbrook.
Lasseter.	

Absent—Excused.

Bradley.	Mehl.
Brooks.	Moore.
Coombes.	Patterson.
Cunningham.	Vaughan.
Dunlap.	

The Speaker then laid House bill No. 37 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—101.

Mr. Speaker.	Jackson.
Adams of Jasper.	Johnson
Adamson.	of Dallam.
Adkins.	Johnson
Akin.	of Dimmit.
Albritton.	Johnson of Morris.
Alsup.	Jones of Atascosa.
Baker.	Justiss.
Barron.	Keller.
Beck.	Kennedy.
Bounds.	Laird.
Boyd.	Lee.
Brice.	Lilley.
Brooks.	Lockhart.
Burns	Long.
of McCulloch.	McCombs.
Carpenter.	McDougald.
Caven.	McGill.
Claunch.	Magee.
Coltrin.	Mathis.
Cox of Lamar.	Morse.
Cox of Limestone.	Munson.
Daniel.	Murphy.
Davis.	Ratliff.
Dodd.	Ray.
Donnell.	Richardson.
Elliott.	Rogers.
Farmer.	Rountree.
Farrar.	Sanders.
Finn.	Satterwhite.
Forbes.	Savage.
Ford.	Shelton.
Fuchs.	Sherrill.
Gilbert.	Smith of Wood.
Giles.	Sparkman.
Goodman.	Stephens.
Graves.	Steward.
Greathouse.	Strong.
Hanson.	Sullivant.
Hardy.	Tarwater.
Harman.	Turner.
Harrison	Van Zandt.
of El Paso.	Veatch.
Hatchitt.	Wagstaff.
Hefley.	Walker.
Herzik.	Warwick.
Hill.	Weinert.
Holland.	West of Coryell.
Holloway.	West of Cameron.
Hoskins.	Wiggs.
Howsley.	Wyatt.
Hubbard.	Young.
Hughes.	

Absent.

Adams of Harris.	Bryant.
Anderson.	Burns of Walker.
Bedford.	Dale.
Bond.	DeWolfe.

Dowell.	Metcalf.
Duvall.	Moffett.
Dwyer.	Nicholson.
Engelhard.	Olsen.
Ferguson.	O'Quinn.
Fisher.	Petsch.
Grogan.	Pope.
Harrison	Ramsey.
of Waller.	Reader.
Hines.	Scott.
Holder.	Smith of Bastrop.
Jones of Shelby.	Stevenson.
Kayton.	Terrell
Lasseter.	of Cherokee.
Lemens.	Terrell
Leonard.	of Val Verde.
McGregor.	Towery.
Martin.	Westbrook.

Absent—Excused.

Bradley.	Mehl.
Coombes.	Moore.
Cunningham.	Patterson.
Dunlap.	Vaughan.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Harrison of El Paso:

H. B. No. 41, A bill to be entitled "An Act to amend Article 7065a, Section 17, Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, as amended by the Regular Session of the Forty-second Legislature, by adding a new section thereto to be known as Section 12, which allows a person, firm, corporation or association engaged wholly, or in part, in the business of shipping gasoline without the State to qualify as a distributor and purchase gasoline free of tax when a certified copy of the permit is filed with the seller, together with an affidavit stating in substance that such gasoline is to be used in shipments to a destination or destinations beyond the borders of the State of Texas, but requiring such distributor to make the reports now required by law upon all gasoline purchased free of the tax, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Farmer:

H. B. No. 42, A bill to be entitled "An Act to amend Article 7047 of the

Revised Civil Statutes of Texas of 1925, by adding thereto a new subdivision to be numbered '40—Branch or Chain Stores;' providing for the levying and collecting an annual occupation tax of \$100 for each store in excess of one, operated or maintained in this State under the same general management, supervision, or ownership, by any person, firm, association, partnership, or corporation, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Finn and Mr. Reader:

H. B. No. 43, A bill to be entitled "An Act repealing Sections 11, 12, 13, 14 and 15, of House bill No. 536, Acts of the Forty-second Legislature, Chapter 212, page 355, Laws of the Regular Session of the Forty-second Legislature, relating to an occupation tax on dealers in cigarettes, providing that nothing herein shall be construed to affect said law in any other particular, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

#### ADJOURNMENT.

On motion of Mr. Morse, the House, at 5:20 o'clock p. m., adjourned until 9 o'clock a. m., Wednesday, August 5.

#### APPENDIX.

##### STANDING COMMITTEE REPORTS.

The Committee on Revenue and Taxation filed a favorable report on House bill No. 40.

The Committee on Conservation and Reclamation filed a favorable report on House bill No. 31.

#### TWELFTH DAY.

(Wednesday, August 5, 1931.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called, and the following members were present:

Mr. Speaker.	Adkins.
Adams of Harris.	Akin.
Adams of Jasper.	Albritton.
Adamson.	Alsop.